

09/750,894

- 4 -

08CO05912

REMARKS

Reconsideration of the application and entry of the amendment are respectfully requested. Claims 1 to 5 are currently pending, claim 1 has been amended, and new claims 6 to 14 have been added.

The Office Action mailed February 17, 2004 addresses claims 1 to 5. Claims 1 to 5 were rejected.

Claims 1, 3 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Müller-Rees et al. (US 5,851,604). The Examiner stated that Müller-Rees et al. teach a transparent/translucent thermoplastic composition comprising a crosslinked cholesterol liquid crystal plate shaped pigment, exemplified by Example 12, wherein the polycarbonate composition comprises 0.5 parts by weight of pigment per 99.5 parts by weight of the polycarbonate (\approx 5.03 pph), and that other pigments and dyes may be advantageously included in the composition.

Applicant respectfully disagrees with the Examiner. Claim 1, as amended, claims less than 0.50 parts per hundred parts of the thermoplastic material. Müller-Rees et al. disclose more than 0.50 parts per hundred (0.5 parts per 99.5 parts by weight of polycarbonate), but Müller-Rees et al. do not disclose a composition comprising less than 0.50 parts per hundred pigment. Additionally, Müller-Rees et al. do not disclose or appreciate that the thermoplastic material, when formed in an article, has no visible flow lines. Claims 3 and 4 depend from claim 1, and are therefore also not anticipated by Müller-Rees et al. Since Müller-Rees et al. do not teach each and every element of Applicant's invention, Applicant respectfully requests that the rejection of claims 1, 3 and 4 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Müller-Rees et al. The Examiner stated that while Müller-Rees et al. does not specify a concentration for the pigment of 0.25 parts or less based on the composition, one of ordinary skill in the art would have found it *prima facie* obvious to determine a workable or even optimum range of liquid crystal pigment for the composition.

09/750,894

- 5 -

08CO05912

Applicant respectfully disagrees with the Examiner and submits that the Examiner has not made out a *prima facie* case of obviousness. Müller-Rees et al. disclose pigments and methods of making the pigments. Müller-Rees et al. also discloses many examples of how the pigment can be used. As stated by the Examiner, Müller-Rees et al. do not disclose the use of the pigment in an amount of 0.25 parts or less based on the composition. Applicant respectfully disagrees with the Examiner's assertion that one of ordinary skill would have found it *prima facie* obvious to use the pigment in an amount of 0.25 parts by weight or less since these types of pigments are usually added in larger amounts in order to produce the angular metamerism effect desired (see, for example, specification at page 2, lines 24 to 26). Most of the examples of Müller-Rees et al. have much larger concentrations of pigments. Applicant respectfully submits that the use of the pigment in amounts less than 0.50 parts, and preferably 0.25 parts by weight or less, produces unexpected and unobvious results, as shown by Applicant's example and the results in the Table.

Additionally, Applicant respectfully submits that Müller-Rees et al. neither disclose nor appreciate that the concentration of pigment must be low enough to reduce and/or eliminate visible flow lines in the composition or article.

For at least these reasons, Applicant respectfully submits that claim 2 is not obvious under 35 U.S.C. 103(a) over Müller-Rees et al. Applicant therefore respectfully requests that the rejection of claim 2 be reconsidered and withdrawn.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Müller-Rees et al. in combination with Ramlow et al. (US 6,207,344). The Examiner stated that Müller-Rees et al. differ from the claimed invention in that they do not explicitly disclose the composition to further comprise a UV absorber, but it is known in the art to include UV absorbers in transparent pigmented resin compositions, such as polycarbonate, as a conventional additive in such compositions, as taught by Ramlow et al. The Examiner concluded that it would have been obvious to one having ordinary skill in the art at the

09/750,894

- 6 -

08CO05912

time the invention was made to include a UV absorber in the pigmented polycarbonate of Müller-Rees et al. in order to obtain the advantages taught in Ramlow et al., motivated by a reasonable expectation of success.

Applicant respectfully disagrees with the Examiner and submits that the Examiner has not made out a *prima facie* case of obviousness. As discussed above, Applicant respectfully submits that Müller-Rees et al. do not disclose Applicant's invention. The addition of another reference, Ramlow et al., does not cure the deficiency of Müller-Rees et al. because Ramlow et al. also do not disclose Applicant's invention. Applicant respectfully submits that neither Müller-Rees et al. nor Ramlow et al., either alone or in combination, disclose Applicant's claim 5.

For at least these reasons, Applicant respectfully submits that claim 5 is not obvious under 35 U.S.C. 103(a) over Müller-Rees et al. in view of Ramlow et al. Applicant therefore respectfully requests that the rejection of claim 5 be reconsidered and withdrawn.

New claims 6 to 14 have been added. Applicant respectfully submits that support for new claims 6 to 14 may be found in the specification and original claims, and no new matter has been entered.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

09/750,894

- 7 -

08CO05912

CONCLUSION

Applicant respectfully requests reconsideration and allowance of each of the presently rejected claims, claims 1 to 5. Applicant respectfully requests allowance of claims 1 to 14, the claims currently pending.

Respectfully submitted:
ANNE RAMLOW

By Michelle Bugbee
Michelle Bugbee
Attorney for Applicant
Registration No. 42,370
Telephone No. (413) 448-7208

GENERAL ELECTRIC CO
One Plastics Avenue
Pittsfield, MA 01201
February 9, 2005